

REFERENCES IN TEXT

Provisions of title 28, relating to claims against the United States, referred to in text, include sections 1346(b), 2501 et seq., and 2671 et seq., of Title 28, Judiciary and Judicial Procedure.

§ 938. Notice of proposals

At least thirty days before approving a proposal to utilize a lamprey control measure or install a device in any stream, the United States Section shall cause notice of such proposal to be sent to the official agency having jurisdiction over fisheries in each of the States through which the stream flows.

(June 4, 1956, ch. 358, § 9, 70 Stat. 243.)

§ 939. Transmission of recommendations

The Secretary of State shall upon the receipt from the Commission of any recommendation of a conservation measure made in accordance with article IV of the Convention transmit a copy of the recommendation with his comments thereon to the Governor of each Great Lakes State for consideration and such action as may be found to be appropriate. The Secretary of State shall also inform such other public agencies as he may deem appropriate.

(June 4, 1956, ch. 358, § 10, 70 Stat. 244.)

§ 939a. Cooperation with other agencies

Any agency of the United States Government is authorized to cooperate with the United States Section in the conduct of research programs and related activities and, on a reimbursable or other basis, to enter into agreements with the United States Section for the purpose of assisting it in carrying out the program for the control of lamprey populations.

(June 4, 1956, ch. 358, § 11, 70 Stat. 244.)

§ 939b. State laws and regulations

Nothing in this chapter shall be construed as preventing any of the Great Lakes States from making or enforcing laws or regulations within their respective jurisdictions so far as such laws or regulations do not conflict with the Convention or this chapter.

(June 4, 1956, ch. 358, § 12, 70 Stat. 244.)

§ 939c. Authorization of appropriations

There is hereby authorized to be appropriated from time to time such sums as may be necessary for carrying out the purposes and provisions of the Convention and this chapter.

(June 4, 1956, ch. 358, § 13, 70 Stat. 244.)

CHAPTER 15B—GREAT LAKES FISH AND WILDLIFE RESTORATION

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§ 941. Findings

The Congress finds and declares the following:

(1) As the human population of the Great Lakes Basin has expanded to over 35,000,000 people, great demands have been placed on the lakes for use for boating and other recreation, navigation, municipal and industrial water supply, waste disposal, power production, and other purposes. These growing and often conflicting demands exert pressure on the fish and wildlife resources of the Great Lakes Basin, including in the form of contaminants, invasion by nonindigenous species, habitat degradation and destruction, legal and illegal fishery resource harvest levels, and sea lamprey predation.

(2) The fishery resources of the Great Lakes support recreational fisheries enjoyed by more than 5,000,000 people annually and commercial fisheries providing approximately 9,000 jobs. Together, these fisheries generate economic activity worth more than \$4,400,000,000 annually to the United States.

(3) The availability of a suitable forage base is essential to lake trout, walleye, yellow perch, and other recreational and commercially valuable fishery resources of the Great Lakes Basin. Protecting and restoring productive fish habitat, including by protecting water quality, is essential to the successful recovery of Great Lakes Basin fishery resources.

(4) The Great Lakes Basin contains important breeding and migration habitat for all types of migratory birds. Many migratory bird species dependent on deteriorating Great Lakes Basin habitat have suffered serious population declines in recent years.

(5) Over 80 percent of the original wetlands in the Great Lakes Basin have been destroyed and such losses continue at a rate of 20,000 acres annually.

(6) Contaminant burdens in the fish and wildlife resources of the Great Lakes Basin are substantial and the impacts of those contaminants on the life functions of important fish and wildlife resources are poorly understood. Concern over the effects of those contaminants on human health have resulted in numerous public health advisories recommending restricted or no consumption of Great Lakes fish.

(7) The lower Great Lakes are uniquely different from the upper Great Lakes biologically, physically, and in the degree of human use and shoreline development, and special fishery resource assessments and management activities are necessary to respond effectively to these special circumstances.

(Pub. L. 101-537, title I, §1002, Nov. 8, 1990, 104 Stat. 2370; Pub. L. 101-646, title II, §2002, Nov. 29, 1990, 104 Stat. 4773; Pub. L. 104-332, §2(h)(1), Oct. 26, 1996, 110 Stat. 4091; Pub. L. 105-265, §3(b), Oct. 19, 1998, 112 Stat. 2358.)

CODIFICATION

Title I of Pub. L. 101-537 and title II of Pub. L. 101-646 enacted identical sections. Title II of Pub. L. 101-646 was repealed by Pub. L. 105-265.

AMENDMENTS

1996—Pub. L. 104-332 made technical amendment to Pub. L. 101-646, §2002, which enacted this section.

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109-326, §1, Oct. 11, 2006, 120 Stat. 1761, provided that: “This Act [amending sections 941b to 941g of this title and enacting provisions set out as notes under this section] may be cited as the ‘Great Lakes Fish and Wildlife Restoration Act of 2006’.”

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-265, §1, Oct. 19, 1998, 112 Stat. 2358, provided that: “This Act [amending this section and sections 941 to 941g of this title and enacting provisions set out as a note under this section] may be cited as the ‘Great Lakes Fish and Wildlife Restoration Act of 1998’.”

SHORT TITLE

Section 1001 of title I of Pub. L. 101-537, and section 2001 of title II of Pub. L. 101-646, as amended by Pub. L. 104-332, §2(h)(1), Oct. 26, 1996, 110 Stat. 4091, provided that: “This title [enacting this chapter] may be cited as the ‘Great Lakes Fish and Wildlife Restoration Act of 1990’.” Title II of Pub. L. 101-646 was repealed by Pub. L. 105-265, §3(b), Oct. 19, 1998, 112 Stat. 2358.

CONTINUED MONITORING AND ASSESSMENT OF STUDY FINDINGS AND RECOMMENDATIONS

Pub. L. 109-326, §8, Oct. 11, 2006, 120 Stat. 1766, provided that: “The Director of the United States Fish and Wildlife Service—

“(1) shall continue to monitor the status, and the assessment, management, and restoration needs, of the fish and wildlife resources of the Great Lakes Basin; and

“(2) may reassess and update, as necessary, the findings and recommendations of the report entitled ‘Great Lakes Fishery Resources Restoration Study’, submitted to the President of the Senate and the Speaker of the House of Representatives on September 13, 1995.”

CONGRESSIONAL FINDINGS

Pub. L. 109-326, §2, Oct. 11, 2006, 120 Stat. 1761, provided that: “Congress finds that—

“(1) the Great Lakes have fish and wildlife communities that are structurally and functionally changing;

“(2) successful fish and wildlife management focuses on the lakes as ecosystems, and effective management requires the coordination and integration of efforts of many partners;

“(3) it is in the national interest to undertake activities in the Great Lakes Basin that support sustainable fish and wildlife resources of common concern provided under the recommendations of the Great Lakes Regional Collaboration authorized under Executive Order 13340 (69 Fed. Reg. 29043; relating to the Great Lakes Interagency Task Force) [33 U.S.C. 1268 note];

“(4) additional actions and better coordination are needed to protect and effectively manage the fish and wildlife resources, and the habitats upon which the resources depend, in the Great Lakes Basin;

“(5) as of the date of enactment of this Act [Oct. 11, 2006], actions are not funded that are considered essential to meet the goals and objectives in managing the fish and wildlife resources, and the habitats upon which the resources depend, in the Great Lakes Basin; and

“(6) the Great Lakes Fish and Wildlife Restoration Act [of 1990] (16 U.S.C. 941 et seq.) allows Federal agencies, States, and tribes to work in an effective partnership by providing the funding for restoration work.”

Pub. L. 105-265, §2, Oct. 19, 1998, 112 Stat. 2358, provided that: “Congress finds that—

“(1) the Great Lakes Fishery Resources Restoration Study, for which a report was submitted to Congress in 1995, was a comprehensive study of the status, and the assessment, management, and restoration needs, of the fishery resources of the Great Lakes Basin, and was conducted through the joint effort of the United States Fish and Wildlife Service, State fish and wildlife resource management agencies, Indian tribes, and the Great Lakes Fishery Commission; and

“(2) the study—

“(A) found that, although State, Provincial, Native American Tribal, and Federal agencies have made significant progress toward the goal of restoring a healthy fish community to the Great Lakes Basin, additional actions and better coordination are needed to protect and effectively manage the fisheries and related resources in the Great Lakes Basin; and

“(B) recommended actions that are not currently funded but are considered essential to meet goals and objectives in managing the resources of the Great Lakes Basin.”

§ 941a. Purpose

The purposes of this chapter are—

(1) to develop and implement proposals for the restoration of fish and wildlife resources in the Great Lakes Basin; and

(2) to provide assistance to the Great Lakes Fisheries Commission, States, Indian Tribes, and other interested entities to encourage cooperative conservation, restoration and management of the fish and wildlife resources and their habitat in the Great Lakes Basin.

(Pub. L. 101-537, title I, §1003, Nov. 8, 1990, 104 Stat. 2371; Pub. L. 101-646, title II, §2003, Nov. 29, 1990, 104 Stat. 4774; Pub. L. 104-332, §2(h)(1), Oct. 26, 1996, 110 Stat. 4091; Pub. L. 105-265, §§3(b), 4, Oct. 19, 1998, 112 Stat. 2358.)

CODIFICATION

Title I of Pub. L. 101-537 and title II of Pub. L. 101-646 enacted identical sections. Title II of Pub. L. 101-646 was repealed by Pub. L. 105-265, §3(b).

AMENDMENTS

1998—Pub. L. 105-265, §4(1), made technical amendment to reference in original act which appears in introductory provisions as reference to this chapter.

Par. (1). Pub. L. 105-265, §4(4), added par. (1) and struck out former par. (1) which read as follows: “to develop proposals to implement recommendations resulting from that study; and”.

Pub. L. 105-265, §4(2), (3), redesignated par. (2) as (1) and struck out former par. (1) which read as follows: “to carry out a comprehensive study of the status, and the assessment, management, and restoration needs, of the fishery resources of the Great Lakes Basin;”.

Pars. (2), (3). Pub. L. 105-265, §4(3), (5), redesignated par. (3) as (2) and substituted “habitat in” for “habitat of”. Former par. (2) redesignated (1).

1996—Pub. L. 104-332 made technical amendment to Pub. L. 101-646, §2003, which enacted this section.

§ 941b. Definitions

In this chapter—

(1) the term “Committee” means the Great Lakes Fish and Wildlife Restoration Proposal Review Committee established by section 941c(c) of this title;

(2) the term “Director” means the Director of the United States Fish and Wildlife Service;

(3) the term “Great Lakes Basin” means the air, land, water, and living organisms within the drainage basin of the Saint Lawrence

River at or upstream from the point at which the river becomes the international boundary between Canada and the United States;

(4) the term “Indian Tribe” means any Indian tribe, band, village, nation, or other organized group or community that is recognized by the Bureau of Indian Affairs as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, and that has Great Lakes fish and wildlife management authority in the Great Lakes Basin;

(5) the term “lower Great Lakes” means the region in which is located that portion of the Great Lakes Basin which is downstream from the confluence of the Saint Clair River and Lake Huron near Port Huron, Michigan;

(6) the term “non-Federal source” includes a State government, local government, Indian tribe, other non-Federal governmental entity, private entity, and individual;

(7) the term “nonindigenous species” means a species of plant, animal, or other organism that did not occur in the Great Lakes Basin before European colonization of North America;

(8) the term “regional project” means authorized activities of the United States Fish and Wildlife Service related to fish and wildlife resource protection, restoration, maintenance, and enhancement impacting multiple States or Indian Tribes with fish and wildlife management authority in the Great Lakes basin;

(9) the term “Report” means the United States Fish and Wildlife Service report entitled “Great Lakes Fishery Resources Restoration Study”, submitted to the President of the Senate and the Speaker of the House of Representatives on September 13, 1995;

(10) the term “restoration” means rehabilitation and maintenance of the structure, function, diversity, and dynamics of a biological system, including reestablishment of self-sustaining populations of fish and wildlife;

(11) the term “State Director” means the head of the agency, department, board, commission, or other governmental entity of each of the States of New York, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, and the Commonwealth of Pennsylvania which is responsible for the management and conservation of the fish and wildlife resources of that State; and

(12) the term “upper Great Lakes” means that portion of the Great Lakes Basin which is upstream from the confluence of the Saint Clair River and Lake Huron near Port Huron, Michigan.

(Pub. L. 101-537, title I, §1004, Nov. 8, 1990, 104 Stat. 2371; Pub. L. 101-646, title II, §2004, Nov. 29, 1990, 104 Stat. 4774; Pub. L. 104-332, §2(h)(1), Oct. 26, 1996, 110 Stat. 4091; Pub. L. 105-265, §§3(b), 5, Oct. 19, 1998, 112 Stat. 2358, 2359; Pub. L. 109-326, §3, Oct. 11, 2006, 120 Stat. 1761.)

CODIFICATION

Title I of Pub. L. 101-537 and title II of Pub. L. 101-646 enacted substantially identical sections. Title II of Pub. L. 101-646 was repealed by Pub. L. 105-265, §3(b).

AMENDMENTS

2006—Pars. (1) to (3). Pub. L. 109-326, §3(1), (2), redesignated pars. (2), (3), and (5) as (1) to (3), respectively, and struck out former par. (1) which defined the term “Administrator”.

Par. (4). Pub. L. 109-326, §3(3), inserted before semicolon at end “, and that has Great Lakes fish and wildlife management authority in the Great Lakes Basin”.

Pub. L. 109-326, §3(1), (2), redesignated par. (6) as (4) and struck out former par. (4) which defined the term “fish stock”.

Pars. (5) to (7). Pub. L. 109-326, §3(2), redesignated pars. (7) to (9) as (5) to (7), respectively.

Par. (8). Pub. L. 109-326, §3(2), (4), added par. (8) and redesignated former par. (8) as (6).

Pars. (9) to (14). Pub. L. 109-326, §3(1), (2), redesignated pars. (10), (11), (13), and (14) as (9) to (12), respectively, and struck out former par. (12) which defined the term “Secretary”.

1998—Pub. L. 105-265, §5(1), made technical amendment to reference in original act which appears in introductory provisions as reference to this chapter.

Pars. (2) to (7). Pub. L. 105-265, §5(2), (5), added par. (2) and redesignated former pars. (2) to (6) as (3) to (7), respectively. Former par. (7) redesignated (14).

Par. (8). Pub. L. 105-265, §5(6), added par. (8). Former par. (8) redesignated (9).

Par. (9). Pub. L. 105-265, §5(2), (4), redesignated par. (8) as (9) and substituted “plant, animal, or other organism” for “plant or animal”. Former par. (9) redesignated (12).

Pars. (10), (11). Pub. L. 105-265, §5(7), added pars. (10) and (11). Former par. (10) redesignated (13).

Par. (12). Pub. L. 105-265, §5(2), (8), redesignated par. (9) as (12) and struck out “and” at end.

Par. (13). Pub. L. 105-265, §5(2), (9), redesignated par. (10) as (13) and substituted “; and” for period at end.

Par. (14). Pub. L. 105-265, §5(2), (3), redesignated par. (7) as (14).

1996—Pub. L. 104-332 made technical amendment to Pub. L. 101-646, §2004, which enacted this section.

§ 941c. Identification, review, and implementation of proposals and regional projects

(a) In general

Subject to subsection (b)(2), the Director—

(1) shall encourage the development and, subject to the availability of appropriations, the implementation of fish and wildlife restoration proposals and regional projects based on the results of the Report; and

(2) in cooperation with the State Directors and Indian Tribes, shall identify, develop, and, subject to the availability of appropriations, implement regional projects in the Great Lakes Basin to be administered by Director in accordance with this section.

(b) Identification of proposals and regional projects

(1) Request by the Director

The Director shall annually request that State Directors and Indian Tribes, in cooperation or partnership with other interested entities and in accordance with subsection (a), submit proposals or regional projects for the restoration of fish and wildlife resources.

(2) Requirements for proposals and regional projects

A proposal or regional project under paragraph (1) shall be—

(A) submitted in the manner and form prescribed by the Director; and

(B) consistent with—

(i) the goals of the Great Lakes Water Quality Agreement, as amended;

(ii) the 1954 Great Lakes Fisheries Convention;

(iii) the 1980 Joint Strategic Plan for Management of Great Lakes Fisheries, as revised in 1997, and Fish Community Objectives for each Great Lake and connecting water as established under the Joint Strategic Plan;

(iv) the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.);

(v) the North American Waterfowl Management Plan and joint ventures established under the plan; and

(vi) the strategies outlined through the Great Lakes Regional Collaboration authorized under Executive Order 13340 (69 Fed. Reg. 29043; relating to the Great Lakes Interagency Task Force).

(3) Sea lamprey authority

The Great Lakes Fishery Commission shall retain authority and responsibility to formulate and implement a comprehensive program to eradicate or minimize sea lamprey populations in the Great Lakes Basin.

(c) Review of proposals

(1) Establishment of Committee

There is established the Great Lakes Fish and Wildlife Restoration Proposal Review Committee, which shall operate under the guidance of the United States Fish and Wildlife Service.

(2) Membership and appointment

(A) In general

The Committee shall consist of 2 representatives of each of the State Directors and Indian Tribes, of whom—

(i) 1 representative shall be the individual appointed by the State Director or Indian Tribe to the Council of Lake Committees of the Great Lakes Fishery Commission; and

(ii) 1 representative shall have expertise in wildlife management.

(B) Appointments

Each representative shall serve at the pleasure of the appointing State Director or Tribal Chair.

(C) Observer

The Great Lakes Coordinator of the United States Fish and Wildlife Service shall participate as an observer of the Committee.

(D) Recusal

A member of the Committee shall recuse himself or herself from consideration of proposals that the member, or the entity that the member represents, has submitted.

(3) Functions

The Committee shall—

(A) meet at least annually;

(B) review proposals and regional projects developed in accordance with subsection (b) to assess the effectiveness and appropriateness of the proposals and regional projects in fulfilling the purposes of this chapter; and

(C) recommend to the Director any of those proposals and regional projects that should be funded and implemented under this section.

(d) Implementation of proposals and regional projects

(1) In general

After considering recommendations of the Committee and the goals specified in section 941d of this title, the Director shall—

(A) select proposals and regional projects to be implemented; and

(B) subject to the availability of appropriations and subsection (e), fund implementation of the proposals and regional projects.

(2) Selection criteria

In selecting and funding proposals and regional projects, the Director shall take into account the effectiveness and appropriateness of the proposals and regional projects in fulfilling the purposes of other laws applicable to restoration of the fish and wildlife resources and habitat of the Great Lakes Basin.

(e) Cost sharing

(1) In general

Except as provided in paragraphs (2) and (4), not less than 25 percent of the cost of implementing a proposal selected under subsection (d) (excluding the cost of establishing sea lamprey barriers) shall be paid in cash or in-kind contributions by non-Federal sources.

(2) Regional projects

Regional projects selected under subsection (d) shall be exempt from cost sharing if the Director determines that the authorization for the project does not require a non-Federal cost-share.

(3) Exclusion of Federal funds from non-Federal share

The Director may not consider the expenditure, directly or indirectly, of Federal funds received by any entity to be a contribution by a non-Federal source for purposes of this subsection.

(4) Effect on certain Indian tribes

Nothing in this subsection affects an Indian tribe affected by an alternative applicable cost sharing requirement under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(Pub. L. 101-537, title I, §1005, Nov. 8, 1990, 104 Stat. 2372; Pub. L. 101-646, title II, §2005, Nov. 29, 1990, 104 Stat. 4775; Pub. L. 104-332, §2(h)(1), Oct. 26, 1996, 110 Stat. 4091; Pub. L. 105-265, §§3(b), 6, Oct. 19, 1998, 112 Stat. 2358, 2359; Pub. L. 109-326, §4, Oct. 11, 2006, 120 Stat. 1762.)

REFERENCES IN TEXT

The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, referred to in subsec. (b)(2)(B)(iv), is title I of Pub. L. 101-646, Nov. 29, 1990, 104 Stat. 4761, which is classified principally to chapter 67 (§4701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4701 of this title and Tables.

Executive Order 13340, referred to in subsec. (b)(2)(B)(vi), is Ex. Ord. No. 13340, May 18, 2004, 69 F.R.

29043, which is set out as a note under section 1268 of Title 33, Navigation and Navigable Waters.

The Indian Self-Determination and Education Assistance Act, referred to in subsec. (e)(4), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, as amended, which is classified principally to subchapter II (§450 et seq.) of chapter 14 of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 450 of Title 25 and Tables.

CODIFICATION

Title I of Pub. L. 101-537 and title II of Pub. L. 101-646 enacted substantially identical sections. Title II of Pub. L. 101-646 was repealed by Pub. L. 105-265, §3(b).

AMENDMENTS

2006—Pub. L. 109-326 amended section generally. Prior to amendment, section related to identification, review, and implementation of proposals.

1998—Pub. L. 105-265 amended section generally, substituting present provisions for provisions requiring a Great Lakes fishery resources restoration study and development of proposals for implementing recommendations.

1996—Pub. L. 104-332 made technical amendment to Pub. L. 101-646, §2005, which enacted this section.

§ 941d. Goals of United States Fish and Wildlife Service programs related to Great Lakes fish and wildlife resources

In administering programs of the United States Fish and Wildlife Service related to the Great Lakes Basin, the Director shall seek to achieve the following goals:

- (1) Restoring and maintaining self-sustaining fish and wildlife resources.
- (2) Minimizing the impacts of contaminants on fishery and wildlife resources.
- (3) Protecting, maintaining, and, where degraded and destroyed, restoring fish and wildlife habitat, including the enhancement and creation of wetlands that result in a net gain in the amount of those habitats.
- (4) Stopping illegal activities adversely impacting fishery and wildlife resources.
- (5) Restoring threatened and endangered species to viable, self-sustaining levels.
- (6) Protecting, managing, and conserving migratory birds.

(Pub. L. 101-537, title I, §1006, Nov. 8, 1990, 104 Stat. 2373; Pub. L. 101-646, title II, §2006, Nov. 29, 1990, 104 Stat. 4777; Pub. L. 104-332, §2(h)(1), Oct. 26, 1996, 110 Stat. 4091; Pub. L. 105-265, §3(b), Oct. 19, 1998, 112 Stat. 2358; Pub. L. 109-326, §5, Oct. 11, 2006, 120 Stat. 1764.)

CODIFICATION

Title I of Pub. L. 101-537 and title II of Pub. L. 101-646 enacted identical sections. Title II of Pub. L. 101-646 was repealed by Pub. L. 105-265.

AMENDMENTS

2006—Par. (1). Pub. L. 109-326 added par. (1) and struck out former par. (1) which read as follows: “Restoring and maintaining self-sustaining fishery resource populations.”

1996—Pub. L. 104-332 made technical amendment to Pub. L. 101-646, §2006, which enacted this section.

§ 941e. Establishment of offices

(a) Great Lakes Coordination Office

(1) In general

The Director shall establish a centrally located facility for the coordination of all

United States Fish and Wildlife Service activities in the Great Lakes Basin, to be known as the “Great Lakes Coordination Office”.

(2) Functional responsibilities

The functional responsibilities of the Great Lakes Coordination Office shall include—

- (A) intra- and interagency coordination;
- (B) information distribution; and
- (C) public outreach.

(3) Requirements

The Great Lakes Coordination Office shall—

- (A) ensure that information acquired under this chapter is made available to the public; and
- (B) report to the Director of Region 3, Great Lakes Big Rivers.

(b) Lower Great Lakes Fishery Resources Office

(1) In general

The Director shall establish an office with necessary administrative and technical support services to carry out all United States Fish and Wildlife Service operational activities related to fishery resource protection, restoration, maintenance, and enhancement in the lower Great Lakes.

(2) Name and location

The office shall be known as the “Lower Great Lakes Fishery Resources Office”, and shall be centrally located in the lower Great Lakes so as to facilitate fishery resource restoration and enhancement activities relating to the lower Great Lakes.

(3) Responsibilities

The responsibilities of the Lower Great Lakes Fishery Resources Office shall include operational activities of the United States Fish and Wildlife Service related to fishery resource protection, restoration, maintenance, and enhancement in the Lower Great Lakes.

(c) Upper Great Lakes Fishery Resources Offices

(1) In general

The Director shall establish one or more offices with necessary administrative and technical support services to carry out United States Fish and Wildlife Service operational activities related to fishery resource protection, restoration, maintenance, and enhancement in the upper Great Lakes.

(2) Name and location

Each of the offices shall be known as an “Upper Great Lakes Fishery Resources Office”, and shall be appropriately located so as to facilitate fishery resource activities in the upper Great Lakes.

(3) Responsibilities

The responsibilities of the Upper Great Lakes Fishery Resources Offices shall include operational activities of the United States Fish and Wildlife Service related to fishery resource protection, restoration, maintenance, and enhancement in the Upper Great Lakes.

(Pub. L. 101-537, title I, §1007, Nov. 8, 1990, 104 Stat. 2374; Pub. L. 101-646, title II, §2007, Nov. 29, 1990, 104 Stat. 4777; Pub. L. 104-332, §2(h)(1), Oct. 26, 1996, 110 Stat. 4091; Pub. L. 105-265, §3(b), Oct.

19, 1998, 112 Stat. 2358; Pub. L. 109-326, § 6, Oct. 11, 2006, 120 Stat. 1764.)

CODIFICATION

Title I of Pub. L. 101-537 and title II of Pub. L. 101-646 enacted substantially identical sections. Title II of Pub. L. 101-646 was repealed by Pub. L. 105-265.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-326, § 6(1), added subsec. (a) and struck out former subsec. (a). Text read as follows: “The Director shall establish a centrally located facility for the coordination of all United States Fish and Wildlife Service activities in the Great Lakes Basin, to be known as the ‘Great Lakes Coordination Office’. The functional responsibilities of the Great Lakes Coordination Office shall include intra- and interagency coordination, information distribution, and public awareness outreach. The Great Lakes Coordination Office shall include all administrative and technical support necessary to carry out its responsibilities.”

Subsec. (b). Pub. L. 109-326, § 6(2), designated first and second sentences of subsec. (b) as pars. (1) and (2), respectively, inserted headings, and added par. (3).

Subsec. (c). Pub. L. 109-326, § 6(3), designated first and second sentences of subsec. (c) as pars. (1) and (2), respectively, inserted headings, and added par. (3).

1996—Pub. L. 104-332 made technical amendment to Pub. L. 101-646, § 2007, which enacted this section.

§ 941f. Reports

(a) In general

Not later than December 31, 2011, the Director shall submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes—

- (1) actions taken to solicit and review proposals under section 941c of this title;
- (2) the results of proposals implemented under section 941c of this title; and
- (3) progress toward the accomplishment of the goals specified in section 941d of this title.

(b) Public access to data

For each of fiscal years 2007 through 2012, the Director shall make available through a public access website of the Department information that describes—

- (1) actions taken to solicit and review proposals under section 941c of this title;
- (2) the results of proposals implemented under section 941c of this title;
- (3) progress toward the accomplishment of the goals specified in section 941d of this title;
- (4) the priorities proposed for funding in the annual budget process under this chapter; and
- (5) actions taken in support of the recommendations of the Great Lakes Regional Collaboration authorized under Executive Order 13340 (69 Fed. Reg. 29043; relating to the Great Lakes Interagency Task Force).

(c) Report

Not later than June 30, 2007, the Director shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives the 2002 report required under this section as in effect on the day before October 11, 2006.

(Pub. L. 101-537, title I, § 1008, Nov. 8, 1990, 104 Stat. 2374; Pub. L. 101-646, title II, § 2008, Nov. 29,

1990, 104 Stat. 4777; Pub. L. 104-332, § 2(h)(1), Oct. 26, 1996, 110 Stat. 4091; Pub. L. 105-265, §§ 3(b), 7, Oct. 19, 1998, 112 Stat. 2358, 2361; Pub. L. 109-326, § 7, Oct. 11, 2006, 120 Stat. 1765.)

REFERENCES IN TEXT

Executive Order 13340, referred to in subsec. (b)(5), is Ex. Ord. No. 13340, May 18, 2004, 69 F.R. 29043, which is set out as a note under section 1268 of Title 33, Navigation and Navigable Waters.

CODIFICATION

Title I of Pub. L. 101-537 and title II of Pub. L. 101-646 enacted substantially identical sections. Title II of Pub. L. 101-646 was repealed by Pub. L. 105-265, § 3(b).

AMENDMENTS

2006—Pub. L. 109-326 amended section catchline and text generally. Prior to amendment, text read as follows: “On December 31, 2002, the Director shall submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes—

“(1) actions taken to solicit and review proposals under section 941c of this title;

“(2) the results of proposals implemented under section 941c of this title; and

“(3) progress toward the accomplishment of the goals specified in section 941d of this title.”

1998—Pub. L. 105-265 amended section generally, substituting present provisions for provisions which had required report not later than 1 year after date of enactment and annually thereafter.

1996—Pub. L. 104-332 made technical amendment to Pub. L. 101-646, § 2008, which enacted this section.

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 941g. Authorization of appropriations

There are authorized to be appropriated to the Director for each of fiscal years 2007 through 2012—

- (1) \$14,000,000 to implement fish and wildlife restoration proposals as selected by the Director under section 941c(e) of this title, of which—

(A) not more than the lesser of 33 1/3 percent or \$4,600,000 may be allocated to implement regional projects by the United States Fish and Wildlife Service, as selected by the Director under section 941c(e) of this title; and

(B) the lesser of 5 percent or \$700,000 shall be allocated to the United States Fish and Wildlife Service to cover costs incurred in administering the proposals by any entity; and

- (2) \$2,000,000, which shall be allocated for the activities of the Great Lakes Coordination Office in East Lansing, Michigan, of the Upper Great Lakes Fishery Resources Office, and the Lower Great Lakes Fishery Resources Office under section 941e of this title.

(Pub. L. 101-537, title I, § 1009, Nov. 8, 1990, 104 Stat. 2374; Pub. L. 101-646, title II, § 2009, Nov. 29, 1990, 104 Stat. 4778; Pub. L. 104-332, § 2(h)(1), (2), Oct. 26, 1996, 110 Stat. 4091; Pub. L. 105-265, §§ 3(b), 8, Oct. 19, 1998, 112 Stat. 2358, 2361; Pub. L. 109-326, § 9, Oct. 11, 2006, 120 Stat. 1766.)

CODIFICATION

Title I of Pub. L. 101-537 and title II of Pub. L. 101-646 enacted substantially identical provisions of subsec. (a), but Pub. L. 101-537 did not enact a subsec. (b). Title II of Pub. L. 101-646 was repealed by Pub. L. 105-265, §3(b).

AMENDMENTS

2006—Pub. L. 109-326 amended section generally, substituting provisions authorizing appropriations for fiscal years 2007 to 2012 for provisions authorizing appropriations for fiscal years 1999 to 2004.

1998—Pub. L. 105-265 amended section generally, substituting provisions authorizing appropriations for fiscal years 1999 to 2004 for provisions authorizing appropriations for fiscal years 1991 to 1994 to conduct a study under section 941c of this title and for fiscal years 1991 to 1995 to establish and operate Great Lakes Coordination and Upper and Lower Great Lakes Fishery Resources Offices.

1996—Pub. L. 104-332 made technical amendment to Pub. L. 101-646, §2009, which enacted this section.

CHAPTER 15C—GREAT LAKES FISH AND WILDLIFE TISSUE BANK

Sec.	
943.	Tissue bank.
943a.	Data base.
943b.	Definitions.
943c.	Authorization of appropriations.

§ 943. Tissue bank

(a) In general

The Secretary shall coordinate existing facilities for the storage, preparation, examination, and archiving of tissues from selected Great Lakes fish and wildlife, which shall be known as the “Great Lakes Fish and Wildlife Tissue Bank”.

(b) Guidance

The Secretary shall, in consultation with appropriate Federal and State agencies and the Council of Great Lakes Research Managers, issue guidance, after an opportunity for public review and comment, for Great Lakes fish and wildlife tissue collection, preparation, archiving, quality control procedures, and access that will ensure—

(1) appropriate uniform methods and standards for those activities to provide confidence in Great Lakes fish and wildlife tissue samples used for research;

(2) documentation of procedures used for collecting, preparing, and archiving those samples; and

(3) appropriate scientific use of the tissues in the Great Lakes Fish and Wildlife Tissue Bank.

(Pub. L. 102-440, title II, §202, Oct. 23, 1992, 106 Stat. 2233.)

SHORT TITLE

Section 201 of title II of Pub. L. 102-440 provided that: “This title [enacting this chapter] may be cited as ‘The Great Lakes Fish and Wildlife Tissue Bank Act’.”

§ 943a. Data base

(a) Maintenance

The Secretary shall maintain a central data base which provides an effective means for tracking and assessing relevant reference data

on Great Lakes fish and wildlife, including data on tissues collected for and maintained in the Great Lakes Fish and Wildlife Tissue Bank.

(b) Access

The Secretary shall establish criteria, after an opportunity for public review and comment, for access to the data base which provides for appropriate use of the information by the public.

(Pub. L. 102-440, title II, §203, Oct. 23, 1992, 106 Stat. 2233.)

§ 943b. Definitions

In this chapter—

(1) “Secretary” means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

(2) “Great Lakes fish and wildlife” means fauna, fish, and invertebrates dependent on Great Lakes resources, and located within the Great Lakes Basin.

(Pub. L. 102-440, title II, §204, Oct. 23, 1992, 106 Stat. 2233.)

§ 943c. Authorization of appropriations

There is authorized to be appropriated to the Secretary, \$250,000 for each of fiscal years 1993 and 1994 to carry out this chapter.

(Pub. L. 102-440, title II, §205, Oct. 23, 1992, 106 Stat. 2234.)

CHAPTER 16—TUNA CONVENTIONS

Sec.	
951.	Definitions.
952.	Commissioners; number, appointment, and qualification.
953.	General Advisory Committee and Scientific Advisory Subcommittee.
954.	Repealed.
955.	Secretary of State to act for United States.
956.	Inspection of returns, records, or other reports.
957.	Violations; fines and forfeitures; application of related laws.
958.	Cooperation with other agencies.
959.	Enforcement of chapter.
960.	Commissions’ functions not restrained by this chapter or State laws.
961.	Authorization of appropriations.
962.	Reduction of bycatch in eastern tropical Pacific Ocean.

§ 951. Definitions

As used in this chapter, the term—

(a) “convention” includes (1) the Convention for the Establishment of an International Commission for the Scientific Investigation of Tuna, signed at Mexico City, January 25, 1949, by the United States of America and the United Mexican States, (2) the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, May 31, 1949, by the United States of America and the Republic of Costa Rica, or both such conventions, as the context requires;

(b) “commission” includes (1) the International Commission for the Scientific Investigation of Tuna, (2) the Inter-American Tropical Tuna Commission provided for by the conventions referred to in subsection (a) of this section, or both such commissions, as the context requires;